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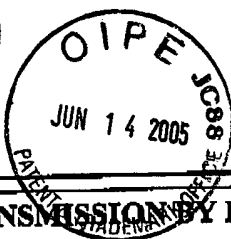
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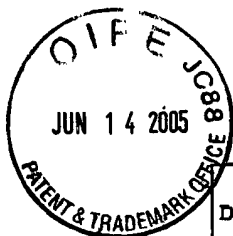
CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 2001-0091-01
Applicant(s): Ershov et al.			
Application No. Patent No. 6,865,210	Filing Date Issued Mar. 8, 2005	Examiner	Group Art Unit
Invention: TIMING CONTROL FOR TWO-CHAMBER GAS DISCHARGE LASER SYSTEM Following are: Petition Under Rule 1.181 (5 pgs.); Reconsideration Request for Certificate of Correction (4 pgs.); Certificate of Correction (1 pg.); 11 pgs. total, incl. cover			
<p>I hereby certify that this <u>Petition 1.181, Recons. Req. Cert. of Corr., Cert. of Correction</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u>) on <u>June 14, 2005</u> (Date)</p> <p><u>Joy Day</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>Joy Day</u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>			

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CENTRAL FAX CENTERAtty. Docket No. 2001-0091-01
USPN 6,865,210**JUN 14 2005****CERTIFICATE OF FACSIMILE TRANSMISSION**

Date of Deposit: June 14, 2005

I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

Joy Day
(Name)

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alexander I. Ershov et al.

Patent No.: 6,865,211

Issued: March 8, 2005

Title: **TIMING CONTROL FOR TWO-
CHAMBER GAS DISCHARGE LASER
SYSTEM****RECEIVED****JUN 29 2005****OFFICE OF PETITIONS**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**PETITION UNDER RULE 1.181****Introduction**

The Applicants in the above-identified application were denied part of their Request for a Certificate of Correction in a notice mailed by the Office dated April 14, 2005.

Applicants respectfully request that the Commissioner require the Examiner to issue the certificate of correction for the error(s) in column 15 that were denied.

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USPN 6,865,210

Remarks

Applicants filed a request for Certificate of Correction on March 15, 2005. The Request included a request to change claim 7, line 58, in Column 15, to recite "claim 6 in lieu of claim 1.

The need for this amendment is to correct the typographical error in the claim as prosecuted, in order to provide proper antecedent basis for the recitation "said motors." Claim 6 recites "DC motors," and claim 1 makes no reference to any motors.

The Supervisor, Decisions and Certificates Branch has refused to enter this correction because:

the line is printed in accordance with the record. In the Notice of Allowance dated June 8, 2004, the examiner cited, 'claims 2-26 has [sic] been found allowable due to their dependence on claim 1.' Hence being no fault of the Patent and /Trademark Office, no correction(s) is/are in order here under United States Codes [sic] (U.S.C.) 254 and 255 and the Code of federal Regulations (C.F.R.) 1.322 or 1.323).

Applicants submit that the Examiner was simply referring to the rule under *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), i.e., that dependent claims are allowable if depending from an independent claim found allowable. This means directly or indirectly dependent. All of claims 2-26 noted by the Examiner to be allowable are dependent (directly or indirectly) from claim 1 and thus "allowable due to their dependency on claim 1," but not all of claims 2-26 depend directly from claim 1. See Claims 3-5, 9, 10, 15, 18-23, 25 and 26 only indirectly depend from claim a, as should claim 7 in order to have the proper antecedent basis.

In addition, the Supervisor has indicated that a reason for denying the correction is that there was no error by the Office in the printing. Applicants submit that whether or not such error has occurred is relevant under 35 U.S.C. §§254, 255 AND 37 C.F.R. §1.322 and 1.323 only to whether or not the patent owner must pay a fee for the correction or not. Such is a main difference between §254 and §255 on the one hand and §1.322 and 1.323 on the other hand.

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Whether the Office has made a mistake under those statutes and C.F.R. sections is
not a criteria for whether to make the correction or not.

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Conclusions

For the above stated reasons, Applicants submit that the Supervisor's reasons for refusing the Certificate of Correction as to claim 7 are improper and the Supervisor is respectfully requested to withdraw the refusal and issue the correction to claim 7 as per the originally filed Request for Certificate of Correction, and the Reconsideration Certificate of Correction filed herewith.

Applicants hereby authorize the Commissioner to charge Deposit Account No. 03-4060 for the Petition fee of \$130.00, if required, for this Petition. The Commissioner is authorized to charge any additional fee due or credit any overpayment to Deposit Account No. 03-4060. A duplicate copy of this paper is enclosed.

Respectfully submitted,


William C. Cray, Reg. No. 27,627

June 14, 2005
Cymer, Inc.
Customer No. 21773
(858) 385-7185

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Jay Day

(Name)

(Signature)

Atty. Dkt. No. 2001-0091-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,865,210

Issue Date: March 8, 2005

Applicants: Ershov et al.

For: TIMING CONTROL FOR TWO-
CHAMBER GAS DISCHARGE LASER
SYSTEM

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Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECONSIDERATION REQUEST FOR CERTIFICATE OF
CORRECTION UNDER 37 C.F.R. § 1.323

Dear Sir:

Applicants respectfully request that the Decisions & Certificates of Correction Branch reconsider their denial of the correction to Claim 7, Line 58, as per the paper mailed on April 14, 2005 (copy attached hereto). The correction in question is highlighted below. A Certificate of Correction for all the requested corrections is hereby requested. Such corrections do not add new matter.

A Petition Under Rule 1.181 is attached hereto.

Applicants request correction of the U.S. patent as follows:

Column 15:

Claim 3, Line 49, "fluoride" should be changed to -fluorine-;
Claim 7, Line 58, "claim 1" should be changed to -claim 6-;
Claim 8, Line 60, delete "power", 2nd occurrence;

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Atty Docket No. 2001-0091-01
USPN 6,865,210

Claim 8, Line 61, "comprise" should be changed to --comprises--.

Column 16:

Claim 15, Line 24, "charges" should be changed to --charger--;

Claim 25, Line 54, delete "wherein signals from said P-cells".

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Atty Docket No. 2001-0091-01
USPN 6,865,210

Remarks

These corrections are of a "minor" character and do not add new matter or materially affect the scope of the patent.

Enclosed is Form PTO/SB/44 requesting correction of the above-referenced U.S. Patent. Please charge Deposit Account 03-4060 for the required fee of \$100.00 for this Reconsideration Certificate of Correction. The Commissioner is authorized to charge any additional fee due or credit any overpayment to Deposit Account No. 03-4060. A duplicate copy of this paper is enclosed.

Respectfully submitted,


William C. Cray, Reg. No. 27,627
Attorney for Applicant(s)

June 14, 2005
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Customer No. 21773
Telephone: (858) 385-7185
Facsimile: (858) 385-6025

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Atty Docket No. 2001-0091-01
USPN 6,865,210



Remarks

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Respectfully submitted,


William C. Cray, Reg. No. 27,627
Attorney for Applicant(s)

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MODIFIED PTO/SB/44 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1988, no persons are required to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE.
CERTIFICATE OF CORRECTION**

PATENT NO : 6,865,210
DATED : Mar. 8, 2005
INVENTOR(S) : Ershov et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 15:

Claim 3, Line 49, "fluoride" should be changed to ~~fluorine~~;
Claim 7, Line 58, "claim 1" should be changed to ~~claim 6~~;
Claim 8, Line 60, delete "power", 2nd occurrence;
Claim 8, Line 61, "comprise" should be changed to ~~comprises~~.

Column 16:

Claim 15, Line 24, "charges" should be changed to ~~charger~~;
Claim 25, Line 54, delete "wherein signals from said P-cells".

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PATENT NO. 6,865,210

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

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